

REMARKS

Claims 7-9 and 13-49 are pending in the instant application. Claims 13-27 and 29-32 are withdrawn from further consideration pursuant to the provisions of 37 CFR §1.142(b), as being drawn to nonelected inventions. Applicants have hereinabove amended claims 7-9, 36-39 and 42-44. Support for the amendment to claim 36 may be found, *inter alia*, in the subject specification on page 23, lines 3-17. The remaining changes to the claims merely introduce minor grammatical and format changes. This Amendment does not involve any issue of new matter. Therefore, entry of this Amendment is respectfully requested.

Applicants acknowledge that Section 12 of the Final Office Action indicates that claims 28 and 33-35 are found allowable.

Claim Objections

The Examiner objected to claims 7-9, 36-39 and 42-44 for reciting "...is in a form of..." The Examiner suggested that amending these claims to recite "...is a..." would obviate this objection.

In response, applicants without conceding the correctness of the Examiner's objection and to expedite prosecution of the subject application have hereinabove amended claims 7-9, 36-39 and 42-44 in accordance with the Examiner's suggestion. Therefore, applicants respectfully request that the Examiner reconsider and withdraw this ground of objection.

In addition, the Examiner objected to claim 36 because of the recitation "... has a VL domain ...in combination with a VL domain..." The Examiner recommended that the claim be amended such that line 2 of the claim recites "VH".

In response, applicants note that claim 36 has been amended in accordance with the Examiner's suggestion. Therefore, applicants respectfully request that the Examiner reconsider and withdraw this ground of objection.

Claim Rejection Under 35 U.S.C. §112, first paragraph

The Examiner rejected claims 40 and 45-49 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. The Examiner stated that the

claims contain subject matter which was not described in the specification in such a way as to enable one of skill in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner stated that the specification allegedly does not reasonably provide enablement for anti-VEGF antibodies that do not consist of all six CDRs (as in claims 40 and 45-47) or a VH domain or a VL domain (as in claims 48 and 49). The Examiner stated that it is unlikely that humanized antibodies which do not contain all of the heavy and light chain CDRs in their proper order and in the context of framework sequences which maintain their correct spatial orientation have the requisite VEGF binding function.

In response, applicants respectfully traverse and contend that the specification in combination with what was known in the art at the time the subject application was filed does enable one skilled in the art to make and use an antibody comprising a defined VH sequence or VL sequence as set forth in claims 40 and 45-49.

In support of their position, applicants attach hereto as Exhibit 1 a copy of a slide presentation entitled "Enablement Issues in the Examination of Antibodies" presented by Larry R. Helms, Supervisory Primary Examiner for Art Unit 1643, at the June 13, 2007 Biotechnology and Chemical Pharmaceutical Customer Partnership Meeting (<http://www.uspto.gov/web/patents/biochempharm/>). Specifically, Example 2 of the slide presentation discusses the enablement of claims in which an antibody is claimed either by its VH sequence or its VL sequence. As in the example, the subject specification discloses (a) that the antigen is VEGF from human tissue (see page 1, lines 20-23); (b) that VEGF is an angiogenic factor for the vascularization of tumors (see page 2, lines 9-30); (c) that applicants identified antibodies that bind VEGF that contain VH or VL (see pages 56-75); and (d) examples of inhibition of tumor growth in human subjects with antibodies that bind VEGF (see page 3, line 13 – page 4, line 2).

As of the filing date of the subject application, methods were known in the art for producing antibodies that bind a specific antigen by using a specific VL (or VH) and screening a library of the complimentary variable domains (see Portolano et al. (1993) *The Journal of Immunology* 150: 880-887 (copy attached hereto as Exhibit 2); see also Clark et al. (1991) *Nature* 352: 624-628 (copy attached hereto as Exhibit 3)).

In the analysis of Example 2, Dr. Helms states:

In light of the prior art disclosing methods of obtaining antibodies that bind an antigen by screening complementary variable domain libraries, the specification's disclosure of an antibody that binds a specific antigen comprising a defined VH or VL sequence would provide enough structure for one skilled in the art to practice the invention. Therefore, claims directed to an antibody that binds a specific antigen and comprises a defined VH or VL sequence meet the requirements under 35 U.S.C. 112, first paragraph, for enablement.

In view of the above remarks, applicants maintain that claims 40 and 45-49 satisfy the enablement requirement of 35 U.S.C. §112, first paragraph. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

Summary

For the reasons set forth hereinabove, applicants respectfully request that the Examiner reconsider and withdraw the various grounds of rejection and objection, and earnestly solicit allowance of the pending claims.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone her at the number provided below.

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No fee, other than the enclosed \$810.00 RCE filing fee, is deemed necessary in connection with the filing of this Amendment and RCE. However, if any additional fee is required, authorization is hereby given to charge the large entity amount of such fee to Deposit Account No. 13-2755 referencing attorney docket number AX0001ID.

Respectfully submitted,

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